

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RED TREE INVESTMENTS, LLC,

Plaintiff,

v.

PETRÓLEOS DE VENEZUELA, S.A. and  
PDVSA PETRÓLEO, S.A.,

Defendants.

Nos. 22 Misc. 68 & 22 Misc. 69

**DECLARATION OF JUSTIN M. ELLIS IN SUPPORT OF  
RED TREE INVESTMENTS, LLC'S OPPOSITION TO CROSS-MOTION  
TO DISMISS AND REPLY IN SUPPORT OF MOTION FOR ORDER  
AUTHORIZING A WRIT OF ATTACHMENT FIERI FACIAS**

JUSTIN M. ELLIS declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a member in good standing of the bar of the State of New York. I am a partner at MoloLamken LLP, and I represent Red Tree Investments, LLC (“Red Tree”). I have been granted leave to appear in this Court *pro hac vice* on behalf of Red Tree. I submit this Declaration in support of Red Tree’s Opposition to Defendants’ Cross-Motion To Dismiss and Reply in Support of Motion for Order Authorizing a Writ of Attachment *Fieri Facias*.

2. On March 2, 2022, this Court issued a joint opinion and order in *Phillips Petroleum Co. Venezuela Ltd. v. Petróleos de Venezuela, S.A.*, No. 19 Misc. 342, and other cases.

3. On March 2, 2022 I emailed counsel for Defendants, Dennis H. Tracey and Matthew Ducharme, asking Defendants to stipulate that *Phillips* controls the outcome of Red Tree’s motions in the above-captioned matters. On March 3, counsel for Defendants replied to my email and stated that Defendants refused to so stipulate.

4. A copy of my March 2-3 email discussion chain with Defendants is attached to this Declaration as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 7, 2022  
New York, New York

  
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Justin M. Ellis